

## **MINUTES**

### **MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on March 16, 2017 at 8:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Keith Regier, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Carlie Boland (D)  
Sen. Steve Hinebaugh (R)  
Sen. Jedediah Hinkle (R)  
Sen. Margaret (Margie) MacDonald (D)  
Sen. Scott Sales (R)  
Sen. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Jen Gross (D)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 201, 3/10/2017; HB 251 3/10/2017; HB 273, 3/10/2017  
Executive Action: HB 62-Be Concurred In, HB 147-Be Concurred In As Amended,  
HB 149-BE Concurred In As Amended, HB 201-Be Concurred In,  
HB 44-Be Concurred In, HB 129-Be Concurred In As Amended,  
HB 273-Be Concurred In/Motion Withdrawn  
Discussion on Committee Bill to Eliminate the Marriage License Requirement

**Discussion On Committee Bill to Eliminate the Marriage License Requirement**

00:01:35 Chairman Regier

[EXHIBIT\(jus55a01\)](#)

00:02:17 President Sales

00:05:27 Chairman Regier

00:05:54 President Sales

00:06:21 Sen. Hinebauch

00:06:34 President Sales

00:08:59 Julianne Burkhardt, Legislative Services Division (LSD)

00:09:02 President Sales

00:09:13 Sen. Hinebauch

00:09:30 Sen. Fielder

[EXHIBIT\(jus55a02\)](#)

00:12:06 Sen. Sands

00:13:50 Ms. Burkhardt, LSD

00:14:21 Sen. Boland

00:15:15 Chairman Regier

00:16:02 Sen. Fielder

00:17:02 Sen. Swandal

00:17:49 Sen. MacDonald

00:19:07 Sen. Swandal

00:19:35 Chairman Regier

00:19:41 Sen. Swandal

00:19:53 Chairman Regier

00:20:26 Sen. Sands

00:21:37 Sen. Boland

00:22:28 Sen. Swandal

00:23:02 Sen. Hinkle

00:23:14 Sen. Swandal

00:23:48 Ms. Burkhardt

00:24:05 Sen. MacDonald

00:25:11 Sen. Sands

00:25:37 President Sales

00:26:44 Sen. Fielder

00:27:29 Sen. Sands

00:30:15 Sen. MacDonald

00:31:15 President Sales

00:33:22 Sen. MacDonald

00:35:48 Chairman Regier

00:35:52 Sen. Boland

00:36:34 President Sales

00:38:25 Sen. Boland

00:38:58 President Sales

00:40:24 Sen. Sands

00:42:25 Sen. Fielder

00:43:34 Sen. MacDonald

00:45:09 President Sales

00:46:54 Sen. Swandal  
 00:48:16 Sen. Hinebauch  
 00:49:41 Chairman Regier  
 00:50:15 President Sales  
 00:53:19 Chairman Regier  
 00:53:53 Ms. Burkhardt  
 00:54:42 Sen. Sands  
 00:55:26 Chairman Regier  
 00:55:30 Sen. MacDonald  
 00:56:12 Sen. Boland

00:56:53 **Motion:** Sen. Sands moved that **STAFF DRAFT A BILL FOR A DECLARATION OF MARRIAGE, NOT A REGISTRATION.**

**Discussion:**

00:57:21 Sen. Fielder  
 00:58:05 Sen. Sands  
 00:58:39 Sen. Fielder  
 00:59:08 President Sales  
 00:59:24 Sen. Sands  
 00:59:41 Ms. Burkhardt

01:00:05 **Vote:** Motion carried 9-2 by roll call vote with Sen. MacDonald and Sen. K. Regier voting no. Sen. Gross voted by proxy.

01:01:11 Sen. Sands

**HEARING ON HB 201**

**Opening Statement by Sponsor:**

01:01:51 Rep. Rob Cook (R), HD 18, opened the hearing on HB 201, Provide for appointment of court-appointed special advocate as guardian ad litem.

**Proponents' Testimony:**

01:02:31 Shannon McDonald, deputy chief of counsel, Department of Public Health and Human Services (DPHHS)

01:04:35 Loretta Miller, court appointed special advocate, CASA

[\*\*EXHIBIT\(jus55a03\)\*\*](#)

Rep. Cook was needed elsewhere and presented his closing statement.

**Closing by Sponsor:**

01:14:34 Rep. Cook

**Proponents Testimony continued:**

01:15:01      Jani McCall, Intermountain Support Network; Yellowstone Boys and Girls Ranch;  
Family Support Network; Protect Montana Kids

[EXHIBIT\(jus55a04\)](#)

[EXHIBIT\(jus55a05\)](#)

**Opponents' Testimony:**

01:16:35      Mike Bacon, self

[EXHIBIT\(jus55a06\)](#)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:18:48      Chairman Regier  
01:19:00      Ms. McDonald, DPHHS  
01:19:15      Ms. Miller, CASA  
01:20:04      Sen. Swandal  
01:20:17      Ms. Miller

**HEARING ON HB 251**

**Opening Statement by Sponsor:**

01:21:28      Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 251, Remove certain  
items from conceal carry laws.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:24:31      Sen. Sands  
01:25:07      Sen. MacDonald  
01:25:48      Rep. Wagoner  
01:26:07      Sen. Vincent  
01:26:21      Rep. Wagoner

**Closing by Sponsor:**

01:26:50 Rep. Wagoner

**HEARING ON HB 273**

**Opening Statement by Sponsor:**

01:27:32 Rep. Barry Usher (R), HD 40, opened the hearing on HB 273, Generally revise concealed weapons laws.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

01:32:29 Rep. Usher

01:33:38 Sen. Sands

01:33:45 Recess

01:50:18 Reconvene

President Sales absent from the hearing room.

**EXECUTIVE ACTION ON HB 62**

01:50:35 **Motion:** Sen. Fielder moved that **HB 62 BE CONCURRED IN.**

**Discussion:**

01:51:00 Sen. Swandal

01:51:11 Sen. Sands

01:51:53 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

**EXECUTIVE ACTION ON HB 147**

01:52:27 **Motion:** Sen. Fielder moved that **HB 147 BE CONCURRED IN.**

01:52:46 Julianne Burkhardt, Legislative Services Division (LSD)

01:53:13 **Motion:** Sen. Fielder moved that **HB 147 BE AMENDED.**

**EXHIBIT(jus55a07)**

**Discussion:**

01:53:28 Ms. Burkhardt, LSD

01:56:21 Sen. Fielder

01:57:05 Sen. Hinebauch

01:57:23 Chairman Regier

01:57:47 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

01:58:02 **Motion:** Sen. Fielder moved that **HB 147 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:58:09 Sen. MacDonald

01:58:23 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

**EXECUTIVE ACTION ON HB 149**

01:59:04 **Motion:** Sen. Fielder moved that **HB 149 BE CONCURRED IN.**

01:59:21 Julianne Burkhardt, Legislative Services Division (LSD)

01:59:41 **Motion:** Sen. Fielder moved that **HB 149 BE AMENDED.**

**EXHIBIT(jus55a08)**

**Discussion:**

01:59:58 Ms. Burkhardt, LSD

02:01:24 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

02:01:40 **Motion:** Sen. Fielder moved that **HB 149 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:01:47 Sen. Swandal

02:01:58 Sen. MacDonald

02:02:30 Ms. Burkhardt

02:03:00 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Hinebauch will carry the bill.

**EXECUTIVE ACTION ON HB 201**

02:04:27 **Motion:** Sen. Fielder moved that **HB 201 BE CONCURRED IN.**

**Discussion:**

02:04:32 Sen. Sands  
02:04:41 Sen. Swandal  
02:06:44 Sen. Vincent  
02:07:36 Sen. Swandal  
02:08:03 Sen. MacDonald  
02:09:01 Sen. Sands  
02:09:47 Chairman Regier  
02:09:57 Sen. Swandal

02:10:49 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

**EXECUTIVE ACTION ON HB 273**

02:11:47 **Motion:** Sen. Fielder moved that **HB 273 BE CONCURRED IN.**

**Discussion:**

02:12:05 Sen. Vincent  
02:12:27 Julianne Burkhardt, Legislative Services Division  
  
02:12:53 Without objection, Sen. Fielder withdrew the BE CONCURRED IN motion.  
  
02:13:05 Sen. Vincent  
02:13:17 Sen. Sands

**EXECUTIVE ACTION ON HB 44**

02:14:08 **Motion:** Sen. Fielder moved that **HB 44 BE CONCURRED IN.**

**Discussion:**

02:14:25 Sen. Vincent  
02:15:22 Sen. Swandal  
02:16:56 Chairman Regier  
02:17:08 Sen. Swandal  
02:17:43 Sen. Sands  
02:18:52 Chairman Regier  
02:18:58 Sen. MacDonald

02:19:51 Sen. Fielder  
02:21:28 Sen. Sands  
02:22:00 Chairman Regier  
02:22:09 Sen. Vincent  
02:23:32 Chairman Regier

02:23:47 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

**Discussion on HB 70:**

02:25:02 Julianne Burkhardt, Legislative Services Division

**EXECUTIVE ACTION ON HB 129**

02:26:09 **Motion:** Sen. Fielder moved that **HB 129 BE CONCURRED IN.**

02:26:43 **Motion:** Sen. Fielder moved that **HB 129 BE AMENDED.**  
[EXHIBIT\(jus55a09\)](#)

**Discussion:**

02:26:49 Chairman Regier  
02:27:38 Julianne Burkhardt, Legislative Services Division  
02:29:16 Sen. Sands  
02:30:07 Sen. Swandal  
02:31:18 Chairman Regier  
02:31:52 Sen. Swandal  
02:32:02 Sen. Vincent  
02:33:11 Sen. Sands  
02:33:57 Sen. Swandal  
02:34:30 Chairman Regier

02:35:11 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald, Sen. Sands and Sen. Swandal voting no. Sen. Gross and Sen. S. Sales voted by proxy.

02:35:53 **Motion:** Sen. Fielder moved that **HB 129 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:36:02 Sen. Sands

02:36:24 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. Gross and Sen. MacDonald voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Regier will carry the bill.

02:38:34 Chairman Regier



**ADJOURNMENT**

Adjournment: 10:40 A.M.

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Pam Schindler, Secretary

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**Additional Documents**

Additional Documents:

**EXHIBIT**([jus55aad.pdf](#))